

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES **LICENSING AND REGULATORY AFFAIRS**

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

FILED WITH THE SECRETARY OF STATE OFFICE ON MAY 29, 2013

These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the director of the department of **licensing and regulatory affairs** ~~consumer and industry services~~ by sections 16 and 21 of **1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030** PA 154 of the Public Acts of 1974 as amended, and Executive Reorganization Order Number 1996-2, being §§408.1016, 408.1021, and 445.2001 of the Michigan Compiled Laws)

R 408.12111, R 408.12151, R 408.12155, and R 408.12163 of the Michigan Administrative Code are amended as follows:

PART 21. POWERED INDUSTRIAL TRUCKS

R 408.12111. Adoption of standards.

Rule 2111. (1) **The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this rule.**

(2) A powered industrial truck manufactured after January 15, 1971, but before 1993, shall be certified by the manufacturer that the truck covered by this part has been produced according to the mandatory requirements of sections 3 and 4, except subsection 421 of section 4, of the ANSI standard B56.1-1969 "Safety Standards For Powered Industrial Trucks." **Cost: \$60.00.**

(3) (2) A low lift or high lift truck manufactured after the effective date of this part shall be in compliance with the requirements of the ANSI standard B56.1-1993 "Safety Standard For Low Lift And High Lift Trucks," except as noted in subrule (1) of this rule. **Cost: \$61.00.**

(4) (3) A rough terrain fork lift truck manufactured after the effective date of this part shall be in compliance with the requirements of ANSI standard B56.6-1992 "Rough Terrain Fork Lift Trucks." **Cost: \$68.00.**

(5) (4) A industrial crane truck manufactured after the effective date of this part shall be in compliance with ANSI standard B56.7-1987 "Safety Standard For Industrial Crane Trucks." **Cost: \$60.00.**

(6) (5) A tow tractor manufactured after the effective date of this part shall be in compliance with ANSI standard B56.9-1992 "Operator Controlled Industrial Tow Tractors." **Cost: \$56.00.**

(7) (6) A manually propelled high lift industrial truck manufactured after the effective date of this part shall be in compliance with ANSI standard B56.10-1992 "Manually Propelled High Lift Industrial Trucks." **Cost: \$105.00.**

(8) (7) **The standards adopted in subrules (2) to (7) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143. The standards specified in this rule are adopted by reference. These standards may be purchased from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 and web site global@ihs.com, at a cost of respectively, \$97.00, \$77.00, \$56.00, \$56.00, and \$70.00, as of the time of the adoption of these rules, or from the Michigan Department of Consumer and Industry Services, Standards Division, 7150 Harris Drive, Box 30643, Lansing, Michigan, 48909.**

R 408.12151. Operator selection.

Rule 2151. (4) **An employer shall be able to demonstrate that an employee is trained and qualified to operate a powered industrial truck prior to authorizing the employee to operate a powered industrial truck. An employer shall assure that an employee assigned to operate a powered industrial truck shall meet the following minimum requirements, except as noted in subrule (3) of this rule:**

(a) ~~Have corrected vision that meets the same requirements as those for a valid Michigan driver's license. Evidence of meeting this requirement shall be a Michigan driver's license or a doctor's certificate.~~

(b) ~~Have effective use of all 4 limbs, unless the powered industrial truck has been modified, as prescribed in R 408.12132, to permit operation with fewer than 4 limbs. A prosthetic device is considered a limb when capable of being used to effectively operate the controls.~~

(c) ~~Be of a height sufficient to operate the controls and have an unobstructed view over the controls and dashboard.~~

(d) ~~Have coordination between eyes, hands, and feet.~~

(e) ~~Have freedom from known convulsive disorders and episodes of unconsciousness for a period of 1 year before obtaining a powered industrial truck operator's permit or a lesser time with the assurance from a neurologist that the disorders or episodes are under control.~~

~~(f) Have the ability to understand signs, labels, and instructions.~~

~~(2) An employer shall assure that an employee assigned to operate a powered industrial truck shall meet the minimum requirements stated in this rule and shall be retested not less than every 3 years.~~

~~(3) Requirements listed in subdivisions (b) and (c) of subrule (1) of this rule and of subrule (2) of this rule are optional for operators of a motorized hand low lift truck.~~

~~(4) An employee who was operating a powered industrial truck before November 9, 1972, but does not meet the requirements of subdivisions (a), (b), (c), and (d) of subrule (1) of this rule and of subrule (2) of this rule, may be continued as an operator if the handicap or inability does not prove detrimental to the assigned task.~~

R 408.12155. Restriction of use.

Rule 2155. (1) A powered industrial truck used in an environment containing the following substances shall be equipped as prescribed in the National Fire Protection Association standard, 505-1996, "Type Designations, Areas Of Use, Conversions, Maintenance, And Operation Of Powered Industrial Trucks," incorporated herein by reference:

(a) Gases or vapors, such as but not limited to acetylene, hydrogen, oxygen, ether, gasoline, naphtha, or acetone, which may be present in quantities sufficient to produce an explosive or ignitable mixture.

(b) Combustible mixtures of dusts such as, but not limited to, metal dust, coal dust, coke dust, grain dust, flour dust, or organic dust.

(c) Ignitable fibres such as, but not limited to, baled waste, cocoa fibre, cotton, excelsior, kapok, or oakum.

(2) The standard is available for inspection at the Lansing office of the Department of Licensing and Regulatory Affairs Consumer and Industry Services. This standard may be purchased from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts, 02322, telephone number: 1-800-344-3555 and web-site www.nfpa.org, at a cost as of the time of adoption of this rule of \$27.00 \$49.50, or from the Michigan Department of Licensing and Regulatory Affairs Consumer and Industry Services, MIOSHA Standards Section Standards Division, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.

R 408.12163. Fuel.

Rule 2163. (1) An employer shall provide safety fuel cans where trucks are refueled with gasoline at other than a gas pump area.

(2) An employer shall provide a special area for refueling that is not less than 25 feet from a source of open flame or spark and the area shall be posted to this effect.

(3) Use and storage of LP gas shall be as specified by 29 C.F.R. '1910.110, "Storage And Handling Of Liquefied Petroleum Gases," which was adopted by reference in General Industry Safety Standard Part 56 "Storage And Handling Of Liquefied Petroleum Gases," being R 408.15601 et seq. This standard is available from the Michigan Department of **Licensing and Regulatory Affairs Consumer and Industry Services, MIOSHA Standards Section Standards Division, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.**

(4) Handling and storage of fuel, such as gasoline and diesel fuel, shall be as prescribed by 29 C.F.R. '1910.106, "Flammable And Combustible Liquids," which was adopted by reference in General Industry Safety Standard Part 75 "Flammable And Combustible Liquids," being R 408.17501 et seq. This standard is available from the Michigan Department of **Licensing and Regulatory Affairs Consumer and Industry Services, MIOSHA Standards Section Standards Division, 7150 Harris Drive, Box 30643, Lansing, Michigan 48909.**

(5) Smoking while refueling is prohibited.

(6) Fuel level shall not be checked by use of an open flame.

~~(7) An employer shall ensure that an employee is protected from exposure to airborne contaminants created in exhaust gases (e.g. carbon monoxide) of fossil fuel powered industrial trucks, as required by R 325.51101 et seq., "Air Contaminants."~~